

REMARKS

Claims 1-19, 21-24, and 39-50 are pending in the application, claim 38 being canceled herein. Claims 20 and 25-37 were previously canceled. Claims 1, 9, 39, and 47 are the only independent claims.

Specification

The specification has been amended herein to provide antecedent support for language inserted into the claims to more precisely describe the structure of the loop with respect to the bends or kinks 52, 54. The amendments to the specification serve to more precisely define applicant's device and distinguish over the prior art particularly over U.S. Patent No. 6,348,056 to Bates. The amendments are not considered to constitute new matter inasmuch as the added language merely describes more precisely what is shown in the drawings. The term "relaxed" appears in the original disclosure. The word "unstressed" is considered an alternative description of the same feature.

Claims Rejections - 35 U.S.C. §§ 102 and 103

Claims 1-19, 21-24 and 38-50 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,348,056 to Bates et al. ("Bates").

In response to the Examiner's continued rejection of the claims over Bates, applicant has amended the independent claims to clarify that the structure of applicant's loop is the structure that the loop has in the fully expanded or fully ejected configuration. In a first embodiment of applicant's invention, the fully expanded configuration is depicted in Figure 2 of the disclosure. As set forth in the claims, in the fully expanded configuration of applicant's loop, both loop sections 28 and 30 (which extend along each side of the loop 18 from the tubular member 12 to a nose bend 26 at the distal end of the loop) are located entirely outside the tubular insertion member 12. Thus, applicant's loop

18 has bends or kinks 52 and 54 in the unstressed or relaxed fully expanded form of the loop 18.

Bates does not disclose or suggest a loop having bends or kinks like applicant's bends or kinks 52 and 54 *in a fully expanded loop*. The Bates loop structure is shown in a fully expanded configuration in Bates Figure 3. The loop sections (21 or 24) are smoothly curved, particularly without bends or kinks between the inwardly pointing notches and the nose bend at the distal or free end of the loop. It is only in Bates Figure 2, wherein the proximal portion (22) of the loop is withdrawn into the tubular member (12), that a distal loop portion (24) is so stressed as to exhibit an ancillary bend (of a smaller radius of curvature) between the inwardly pointing notches (at 15) and the nose at the distal end of the loop. In the fully expanded configuration of the Bates loop, where the entire loop including the proximal portion (22) and the distal portion (24) is located outside of the tubular member (12), there are no bends or kinks in the distal portion of the loop (24), between the inwardly pointing notches and the nose bend at the distal or free end of the loop.

The above-described differences between applicant's invention and the Bates reference pertain to all independent claims except claim 8. Claim 8 describes a retrieval assembly with a pouch made of netting. Bates does not disclose or suggest such a device. Moreover, inasmuch as the Bates reference contemplates a basket structure, with multiple loops in angularly offset planes, there would be no reason to incorporate a pouch netting.

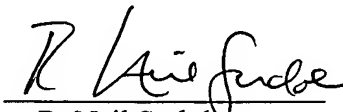
Conclusion

For the foregoing reasons, independent claims 1, 8, 39, and 47, as well as the claims dependent therefrom, are deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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